# House File 2119 - Introduced

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BY A. MEYER

## A BILL FOR

- 1 An Act relating to the use of an electronic communication
- 2 device in a voice-activated or hands-free mode while
- 3 driving, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 321.210, subsection 2, paragraph e, Code
- 2 2020, is amended by striking the paragraph.
- 3 Sec. 2. Section 321.276, subsection 1, Code 2020, is amended
- 4 by striking the subsection and inserting in lieu thereof the
- 5 following:
- 6 l. For purposes of this section:
- 7 a. "Electronic communication device" means an electronic
- 8 device capable of being used to compose, send, receive, or
- 9 read an electronic message. "Electronic communication device"
- 10 includes but is not limited to a telephone, personal digital
- 11 assistant, and portable or mobile computer.
- 12 b. "Voice-activated or hands-free mode" means an attachment,
- 13 accessory, application, wireless connection, or built-in
- 14 feature of an electronic communication device or motor vehicle
- 15 that allows a person to use verbal or single-touch commands to
- 16 activate or deactivate the device or a function or software
- 17 application of the device. "Voice-activated or hands-free
- 18 mode" does not include accessing nonnavigation video content,
- 19 engaging in a video call, accessing or engaging in video
- 20 streaming, accessing gaming data, or reading an electronic
- 21 message.
- 22 Sec. 3. Section 321.276, subsections 2, 3, and 4, Code 2020,
- 23 are amended to read as follows:
- 24 2. A person shall not use a hand-held an electronic
- 25 communication device to write, send, or view an electronic
- 26 message while driving a motor vehicle unless the motor vehicle
- 27 is at a complete stop off the traveled portion of the roadway.
- 28 a. A person does not violate this section by using a global
- 29 positioning system or navigation system or when, for the
- 30 purpose of engaging in a call, the person selects or enters a
- 31 telephone number or name in a hand-held mobile telephone or
- 32 activates, deactivates, or initiates a function of a hand-held
- 33 mobile telephone an electronic communication device in a
- 34 voice-activated or hands-free mode.
- 35 b. The provisions of this subsection relating to writing,

- 1 sending, or viewing an electronic message the use of an
- 2 electronic communication device do not apply to the following
- 3 persons:
- 4 (1) A member of a public safety agency, as defined in
- 5 section 34.1, performing official duties.
- 6 (2) A health care professional in the course of an emergency 7 situation.
- 8 (3) A person receiving safety-related information including
- 9 emergency, traffic, or weather alerts.
- 10 (4) A person using an electronic communication device for
- 11 the purpose of reporting an emergency situation, including any
- 12 continued communication with emergency personnel during the
- 13 emergency situation.
- 3. Nothing in this section shall be construed to authorize
- 15 a peace officer to confiscate a hand-held an electronic
- 16 communication device from the driver or occupant of a motor
- 17 vehicle.
- 18 4. a. A person convicted of a violation of this section
- 19 is guilty of a simple misdemeanor punishable as a scheduled
- 20 violation under section 805.8A, subsection 14, paragraph "1".
- 21 b. A violation of this section shall not be considered a
- 22 moving violation for purposes of this chapter or rules adopted
- 23 pursuant to this chapter.
- 24 c. Notwithstanding paragraphs "a" and "b", a peace officer
- 25 shall issue a warning memorandum in lieu of a citation to a
- 26 person for violating this section. This paragraph is repealed
- 27 January 1, 2021.
- 28 Sec. 4. Section 321.555, subsection 2, Code 2020, is amended
- 29 to read as follows:
- 30 2. Six or more of any separate and distinct offenses within
- 31 a two-year period in the operation of a motor vehicle, which
- 32 are required to be reported to the department by section
- 33 321.491 or chapter 321C, except equipment violations, parking
- 34 violations as defined in section 321.210, violations of
- 35 registration laws, violations of sections 321.445 and 321.446,

- 1 violations of section 321.276, operating a vehicle with an
- 2 expired license or permit, failure to appear, weights and
- 3 measures violations and speeding violations of less than
- 4 fifteen miles per hour over the legal speed limit.
- 5 Sec. 5. Section 707.6A, subsection 2, paragraph a,
- 6 subparagraphs (1), (2), and (3), Code 2020, are amended by
- 7 striking the subparagraphs and inserting in lieu thereof the
- 8 following:
- 9 (1) For purposes of this paragraph "a", a person's use of an
- 10 electronic communication device while driving a motor vehicle
- 11 shall be considered prima facie evidence that the person was
- 12 driving the motor vehicle in a reckless manner with willful
- 13 or wanton disregard for the safety of persons or property, in
- 14 violation of section 321.277.
- 15 (2) Subparagraph (1) does not apply to any of the following:
- 16 (a) A member of a public safety agency, as defined in
- 17 section 34.1, performing official duties.
- 18 (b) A health care professional in the course of an emergency
- 19 situation.
- 20 (c) A person receiving safety-related information including
- 21 emergency or weather alerts.
- 22 (d) A person using an electronic communication device for
- 23 the purpose of reporting an emergency situation, including any
- 24 continued communication with emergency personnel during the
- 25 emergency situation.
- 26 (e) A person using an electronic communication device in a
- 27 voice-activated or hands-free mode.
- 28 (3) For purposes of this paragraph "a", the following
- 29 definitions apply:
- 30 (a) "Electronic communication device" means the same as
- 31 defined in section 321.276.
- 32 (b) "Voice-activated or hands-free mode" means the same as
- 33 defined in section 321.276.
- 34 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code
- 35 2020, is amended to read as follows:

1 1. Writing, sending, or viewing an Use of electronic message 2 communication device while driving violations. For violations 3 under section 321.276, the scheduled fine is thirty one hundred 4 dollars. EXPLANATION The inclusion of this explanation does not constitute agreement with 6 the explanation's substance by the members of the general assembly. 7 Under current law, Code section 321.276 prohibits the use 8 9 of hand-held electronic communication devices to write, send, 10 or view electronic messages while driving a motor vehicle. 11 This bill expands Code section 321.276 to prohibit any use 12 of an electronic communication device while driving. 13 bill defines the terms "electronic communication device" and 14 "voice-activated or hands-free mode". The bill exempts the use of an electronic communication 15 16 device in a voice-activated or hands-free mode, for members of 17 a public safety agency performing official duties, for health 18 care professionals in the course of emergency situations, for 19 the purpose of receiving safety-related information, or for the 20 purpose of reporting an emergency situation. The bill makes a violation of Code section 321.276 a moving 22 violation. Under current law, a moving violation can be 23 considered for purposes of administrative suspension of a 24 driver's license or to establish habitual offender status. 25 However, a peace officer is required to issue a warning 26 memorandum in lieu of a citation for violations that occur 27 during the period of time between the effective date of the 28 bill and January 1, 2021. 29 The bill increases the scheduled fine for a violation of Code 30 section 321.276 from \$30 to \$100. Under Code section 321.482A, 31 if the violation causes a serious injury, a court could impose 32 an additional fine of \$500 or suspend the person's driver's

If the violation

34 causes a death, a court could impose an additional fine of 35 \$1,000 or suspend the person's driver's license for not more

33 license for not more than 90 days, or both.

- 1 than 180 days, or both.
- 2 The bill makes corresponding changes to Code section 707.6A
- 3 (homicide or serious injury by vehicle) to align the provisions
- 4 of that Code section related to the use of an electronic
- 5 communication device while driving to the provisions of Code
- 6 section 321.276 as amended by the bill.